

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

JAMES SMALL,

Plaintiff,

Case No. 3:20-cv-480

vs.

BOB EVANS RESTAURANTS, LLC, *et al.*,

Defendants.

District Judge Michael J. Newman  
Magistrate Judge Peter B. Silvain, Jr.

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**ORDER: (1) ADOPTING THE REPORT AND RECOMMENDATION OF THE  
UNITED STATES MAGISTRATE JUDGE (DOC. NO. 15); (2) DISMISSING  
PLAINTIFF'S COMPLAINT WITHOUT PREJUDICE; AND (3) TERMINATING THIS  
CASE ON THE DOCKET**

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This case is before the Court on the Report and Recommendation issued by United States Magistrate Judge Peter B. Silvain, Jr. (Doc. No. 15), to whom this case was referred pursuant to 28 U.S.C. § 636(b). Judge Silvain recommended that Plaintiff's complaint be dismissed under Fed. R. Civ. P. 41(b) for non-prosecution. No party objected to the Report and Recommendation.

Upon careful *de novo* consideration of the foregoing, the Court determines that the Report and Recommendation should be adopted. Accordingly, it is hereby **ORDERED** that: (1) the Report and Recommendation is **ADOPTED** in full (Doc. No. 15); (2) Plaintiff's complaint is **DISMISSED WITHOUT PREJUDICE**; and (3) this case is **TERMINATED** on the docket.

**IT IS SO ORDERED.**

Date: October 13, 2021

s/ Michael J. Newman

Hon. Michael J. Newman  
United States District Judge